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**Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples**

# Second International Decade for the Eradication of Colonialism

## Report of the Secretary-General

*Summary*

The present report is submitted pursuant to the request of the General Assembly that the Secretary-General report at the midpoint of the Second International Decade for the Eradication of Colonialism on action taken, as well as on suggestions and trends that emerge from the deliberations of United Nations organs and the specialized agencies on the implementation of the Plan of Action for the Second Decade adopted in 2000.

The Secretary-General points out that developments in some Territories offer the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the administering Powers a unique opportunity, which they must seize, to develop decolonization plans on a case-by-case basis with the participation of the representatives of the Non-Self-Governing Territories.

The General Assembly has repeatedly called for speeding up the process of decolonization. The midpoint of the Second Decade provides a framework for taking stock of where we stand and what needs to be done to achieve the objectives of the Plan of Action.

* A/60/50 and Corr.1.

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# I. Introduction

1. On 8 December 2000, at the conclusion of the first International Decade for the Eradication of Colonialism, the General Assembly adopted resolution 55/146, entitled "Second International Decade for the Eradication of Colonialism", which, inter alia, declared the period 2001-2010 the Second International Decade for the Eradication of Colonialism and called upon Member States to redouble their efforts to implement the Plan of Action for the Second Decade. The Assembly called upon the administering Powers to cooperate fully with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to develop a constructive programme of work on a case-by-case basis for the Non-Self-Governing Territories to facilitate the implementation of the mandate of the Special Committee and the relevant resolutions of the United Nations on decolonization.

2. Paragraph 27 of the Plan of Action for the Second International Decade for the Eradication of Colonialism states that the Secretary-General should submit to the General Assembly at the midpoint of the Second Decade a report on action taken, as well as on suggestions and trends that emerge from the deliberations of United Nations organs and the specialized agencies on implementation of the Plan of Action. The replies received from United Nations bodies, specialized agencies and international institutions associated with the United Nations will be issued in a report of the President of the Economic and Social Council (E/2005/47).

3. Pursuant to the provisions contained in the above-mentioned resolution and the Plan of Action, the Secretary-General submits the present report on action taken to implement the decolonization process.

4. The Plan of Action contains recommendations directed to the international community, the administering Powers, the specialized agencies, programmes and intergovernmental bodies, in particular the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

# II. Actions taken during the Decade by United Nations organs

## A. General Assembly

5. During the period under review, the General Assembly has annually considered directly in plenary meetings or in the Fourth Committee a number of questions relating to decolonization and has adopted resolutions and decisions on them. The Assembly has considered the following items:

(a) Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Under this item, the Assembly considers the report of the Special Committee on the Situation with regard to the Implementation of the Declaration. The Committee monitors developments in all Non-Self-Governing Territories and reports on them to the Assembly, making recommendations on each Territory — American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Gibraltar, Guam, Montserrat, New Caledonia, Pitcairn, St. Helena, Tokelau, the Turks and Caicos Islands, the United States Virgin Islands and Western

Sahara — as well as on the issue of the dissemination of information on decolonization and on the issue of the military;

(b) The question of the Falkland Islands (Malvinas);

(c) Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations;

(d) Economic and other activities which affect the interests of the peoples of Non-Self-Governing Territories;

(e) Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and international institutions associated with the United Nations;

(f) Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories.

6. During the period under review, the General Assembly has continued to issue directives to the Special Committee regarding its mandate. In particular, the Assembly has called on the Special Committee and the administering Powers to cooperate in preparing plans for the decolonization of specific Territories and to promote the implementation of the Plan of Action for the eradication of colonialism adopted by the General Assembly by its resolutions 56/74, 57/140 and 58/111. Most recently, by its resolution 59/136, the Assembly requested the Special Committee to continue to seek suitable means for the immediate and full implementation of the Declaration and to carry out the actions approved by the General Assembly regarding the first and Second International Decades for the Eradication of Colonialism in all Territories that have not yet exercised their right to self-determination, including independence. The Assembly requested the Special Committee in particular to formulate specific proposals to bring about an end to colonialism and to report thereon to the Assembly at its sixtieth session. It also requested the Special Committee to finalize before the end of 2005 a constructive programme of work on a case-by-case basis for the Non-Self-Governing Territories to facilitate the implementation of its mandate and the relevant resolutions on decolonization, including resolutions on specific Territories.[1]

7. At its fifty-ninth session, the General Assembly adopted nine other resolutions and four decisions relating to specific Territories and other decolonization items, as well as on the programme of work of the Special Committee.

## Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

8. In 2003, the Special Committee was enlarged from 24 to 27 members as follows: Antigua and Barbuda, the Bolivarian Republic of Venezuela, Bolivia, Chile, China, the Congo, Côte d'Ivoire, Cuba, Dominica, Ethiopia, Fiji, Grenada, India, Indonesia, Iran (Islamic Republic of), Iraq, Mali, Papua New Guinea, the Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sierra Leone, the Syrian Arab Republic, Timor-Leste, Tunisia and the United Republic of Tanzania.

9. As the policymaking organ of the General Assembly on decolonization, the Special Committee has been at the forefront of United Nations efforts to implement the Plan of Action for the Decade. Information on its activities may be found in the annual report of the Special Committee to the General Assembly.

10. As requested by the General Assembly, the Special Committee has carried out periodic reviews of the situation in each Territory, analysing progress made in the implementation of the Declaration. Such analysis has been based on information provided by the administering Powers pursuant to Article 73 *e* of the Charter of the United Nations and the annual working papers prepared by the Secretariat, as well as information provided by the representatives of the Non-Self-Governing Territories at hearings and regional seminars held by the Committee. On the basis of such analysis, the Special Committee has formulated recommendations to the General Assembly.

11. The Special Committee took decisions to continue to consider the question of Puerto Rico on the basis of reports prepared by the Rapporteur of the Special Committee and heard petitioners on that subject. During the period under review, the Special Committee adopted annual resolutions on the question without a vote.

12. In accordance with the Plan of Action, the Special Committee has continued to hold annual regional seminars in the Caribbean and Pacific regions alternately. The seminars have included the participation of the representatives of the peoples of the Non-Self-Governing Territories, the administering Powers, Member States, regional organizations, the specialized agencies, non-governmental organizations and experts. Four regional seminars have been held to date: Cuba (2001), Fiji (2002), Anguilla (2003) and Papua New Guinea (2004). In 2003, for the first time, the Special Committee held its Caribbean regional seminar in a Non-Self-Governing Territory. Throughout the period under review, the regional seminars have served as an effective forum for discussion of issues of concern to the Non-Self-Governing Territories and have afforded the representatives of the Non-Self-Governing Territories opportunities to present their views and recommendations to the Special Committee. The Special Committee includes its reports on the seminars to the General Assembly in its annual report on its work.

13. Pursuant to the Plan of Action, the Special Committee has continued to seek the full cooperation of the administering Powers with regard to the dispatch of visiting missions to the Territories. In 2002, a special mission of the Special Committee visited Tokelau within the framework of a work programme on self-determination for the Territory, which was developed together with the representatives of Tokelau and New Zealand. In 2003, at the invitation of Anguilla and the United Kingdom of Great Britain and Northern Ireland, the Special Committee held its regional seminar in the Territory, the first time the Special Committee had ever held such an event in a Non-Self-Governing Territory, and used the opportunity to meet with civil society representatives and disseminate information on the decolonization work of the United Nations. Throughout that period, the General Assembly reaffirmed that United Nations visiting missions are an effective means of ascertaining the situation in the Territories, as well as the wishes and aspirations of their inhabitants, and called upon the administering Powers to continue to cooperate with the Special Committee in the discharge of its mandate and to facilitate visiting missions to the Territories.

14. In compliance with the provisions of General Assembly resolutions and the objectives of the Decade, the representative of New Zealand has continued to participate in the work of the Special Committee regarding Tokelau. The representative of France has also participated in the work of the Committee during its consideration of the question of New Caledonia. The delegations of the United Kingdom of Great Britain and Northern Ireland and the United States of America have not formally participated in meetings of the Committee in recent years. However, a representative of the United Kingdom has attended the Committee's regional seminars and participated in its discussions and, in 2003, presented a paper on the Territories under its administration. Informal contacts have continued in order to explore means to improve cooperation between the Committee and the administering Powers and to develop work programmes for the decolonization of specific Territories.

## B. Security Council

15. During the period under review, the Security Council continued to consider reports of the Secretary-General and adopted resolutions on the situation concerning Western Sahara. The Secretary-General's Special Envoy and, after the latter's resignation, the Special Representative of the Secretary-General continued to consult with the parties on ways to resolve the multiple problems relating to the implementation of the settlement plan. However, to date there is still no agreement between the parties on the Peace Plan for Self-Determination of the People of Western Sahara. The Secretary-General has stated that he will continue to look for opportunities to advance the goal of enabling the people of Western Sahara to exercise their right to self-determination. On 28 October 2004, the Security Council adopted resolution 1570 (2004), extending the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 April 2005.

16. During the period under review, the Security Council has also considered the item on the situation in Timor-Leste. As previously reported (A/55/497, para. 19), in 1999 the Security Council, acting under Chapter VII of the Charter, established the United Nations Transitional Administration in East Timor (UNTAET), charged with administering the Territory and preparing it for independence. On 30 August 2001, East Timor elected an 88-member constituent assembly, tasked with writing and adopting a new constitution and establishing a framework for future elections and transition to full independence. On 22 March 2002, the Territory's first Constitution entered into force, and in April Xanana Gusmão was elected President. East Timor attained its independence on 20 May 2002. The constituent assembly was transformed into the national parliament and the new country adopted the name Timor-Leste. On 27 September 2002, it became the 191st Member State of the United Nations. The United Nations continued to support Timor-Leste after independence through the United Nations Mission of Support in East Timor, established by the Security Council on 17 May 2002 to assist Timor-Leste in developing core administrative structures, provide interim law enforcement and security and assist the country in developing its police service.

## C. Economic and Social Council

17. The Economic and Social Council has considered the question of the implementation of the Declaration by the specialized agencies and other United Nations organizations annually and has adopted resolutions asking the specialized agencies to examine and review conditions in each Territory, so as to take appropriate measures to accelerate progress in the economic and social sectors of the Territories. It also urged those specialized agencies and organizations of the United Nations system that have not yet provided assistance to the Territories to do so as soon as possible. The Economic and Social Council has considered annually reports of its President on the assistance provided by those organizations to Non-Self-Governing Territories. In an ongoing effort to improve coordinated action, the President of the Economic and Social Council and the Chairman of the Special Committee have held periodic consultations to consider means to strengthen assistance to the Territories. The Chairman of the Committee participates in the Council's consideration of the relevant item yearly.

## D. Trusteeship Council

18. As reported previously (A/55/497, paras. 21-22), in 1994 the Trusteeship Council concluded its consideration of the last Territory left on its agenda and adopted a resolution by which the Trusteeship Agreement for the Trust Territory of the Pacific Islands (Palau) was terminated.

## E. Secretary-General

19. During the period under review, the Secretary-General has continued to exercise good offices, particularly with respect to Western Sahara. In addition, the Secretary-General has continued to promote the cause of decolonization through the work of the Departments of Political Affairs, Peacekeeping Operations (responsible for the United Nations presence in Western Sahara), General Assembly Affairs and Conference Management, and Public Information. As reported in detail previously (A/55/497, paras. 30-31), the Secretariat provides substantive, technical, administrative and information services to the Special Committee in the discharge of its mandate.

20. Given the importance of disseminating information on decolonization to further the objectives of the Plan of Action, the Department of Public Information has continued to broadcast information on decolonization through all available media and to publicize the work of the United Nations in this field. A detailed account of activities in this regard is presented annually by the Department of Public Information to the Special Committee, which in turn reports to the General Assembly on this matter.

# III. Action taken during the Decade by the specialized agencies

21. The General Assembly and the Special Committee have considered on a yearly basis the question of the implementation of the Declaration by the specialized agencies and international institutions associated with the United Nations. A yearly

report is issued on those activities by the President of the Economic and Social Council on the basis of replies received from those bodies. Those replies are to be issued in document E/2005/47.

## IV. Support for the Decade by Member States

22. Sections I to IV of the Plan of Action for the Decade request specific action by Member States and particularly by the administering Powers to assist effectively the peoples of the Territories in their progress towards self-determination. In addition to the 27 members of the Special Committee, a number of Member States have participated in the work of the Special Committee as administering Powers or observers and have attended its meetings and regional seminars.

23. Some 16 Member States and 1 non-Member State have provided scholarships to students from the Territories during the period under review. The Secretariat has made those offers public in annual reports.

24. The participation and cooperation of the administering Powers in the work of the Committee has been referred to in paragraphs 13 and 14 above. Specific replies from Member States on their activities to support the Decade are reproduced in the annex to the present report.

## V. Conclusions

25. The midpoint of the Decade offers an opportunity to review and assess progress made in decolonization and to define priorities for follow-up and action.

26. In its first two years, the Second Decade saw the culmination of the decolonization process of Timor-Leste (see para. 16 above). Since then, the United Nations has followed the careful and deliberate measures taken by Tokelau and New Zealand, in preparation for Tokelau's decision on its future status in the second half of 2005.

27. In the case of the Falkland Islands (Malvinas) and Gibraltar, each subject to sovereignty disputes, the Special Committee and the General Assembly has continued to urge the Governments involved to continue their negotiations in order to find a definitive solution to the issues.

28. The question of Western Sahara continues to receive consideration by the General Assembly and the Security Council and benefits from the good offices of the Secretary-General with the parties concerned (see para. 15).

29. However, the task of eradicating colonialism remains an unfinished process and requires the sustained and determined efforts of all concerned. Many of the Territories are small islands located mostly in the Caribbean and Pacific regions. The Assembly has reiterated its conviction that territorial size, geographical isolation or limited resources should not affect the inalienable right of the peoples of those Territories to self-determination and has also emphasized that it is the responsibility of the administering Powers to create conditions in those Territories that would enable their peoples to exercise freely and without interference that inalienable right.

30. During the period under review, some specialized agencies and regional commissions have continued to facilitate the participation of many Non-Self-Governing Territories in their bodies as observers or associate members, enabling them to become eligible also to participate in world conferences on economic and social issues, a development that has been welcomed in General Assembly resolutions on the subject.

31. Also during the period under review, the Special Committee continued its efforts to strengthen consultation mechanisms and dialogue with the administering Powers. Developments in some Territories offer the Committee and administering Powers a unique opportunity to develop decolonization plans on a case-by-case basis, with the participation of the representatives of the Non-Self-Governing Territories. It is an opportunity that the parties concerned must seize in order to accelerate the decolonization process and ensure the implementation of United Nations resolutions on the subject.

32. The General Assembly has repeatedly called for speeding up the process of decolonization. The midpoint of the Second Decade provides a framework for taking stock of where we stand and what needs to be done to achieve the objectives of the Plan of Action

*Notes*

[1] See General Assembly resolution 54/91.

# Annex

## Replies received from Member States

### New Zealand

[Original: English]
[3 January 2005]

1. New Zealand is the administering Power of Tokelau and, as such, supports the Second International Decade for the Eradication of Colonialism. Information on New Zealand's activities in this regard has been submitted annually to the United Nations from the beginning of the Decade, consistent with New Zealand's obligations under Article 73 *e* of the Charter of the United Nations.

2. We set out below major developments on the situation in Tokelau. Significant progress has been made along the path to self-determination for Tokelau, particularly in the past two years. For additional information, readers should refer to New Zealand's annual reports to the United Nations.

3. In 2002, the Special Committee on Decolonization sent another fact-finding mission — its fifth since 1976 — to Tokelau. At the Special Committee's regional seminar in Papua New Guinea in 2004, special attention was paid to Tokelau's progression along the path to self-determination.

4. In November 2003, Tokelau and New Zealand signed an important document, known as the Joint Statement on the Principles of Partnership between Tokelau and New Zealand, in the presence of New Zealand's Governor-General. This document sets out in writing, for the first time, the rights and obligations of both partner countries and provides a solid platform for Tokelau's further constitutional and political development.

5. In October 2003, Tokelau's General Fono unanimously agreed to formally explore with New Zealand the option of self-government in free association with New Zealand. When she visited Tokelau in August 2004, New Zealand's Prime Minister welcomed that decision and assured Tokelau of New Zealand's ongoing friendship and support as it moved towards that new status. That assurance was repeated during a visit to New Zealand by Tokelau's Council for Ongoing Government in November 2004. During that visit, the Council met with Tokelauan communities throughout New Zealand to discuss Tokelau's current moves towards self-determination. Work is now under way on the elaboration of a set of formal arrangements that would underpin a future status of self-government in free association with New Zealand.

6. At its November 2003 session the General Fono took a number of important decisions on elements of Tokelau's future Constitution, including the role and functioning of the General Fono and the observance of international human rights covenants. Further decisions on important legislative and constitutional matters were taken at the General Fono's October 2004 session, in the presence of the Chairman of the Special Committee on Decolonization.

7. In June 2004 the Administrator formally delegated his powers to the three Village Councils of Tokelau, which in turn sub-delegated to the General Fono responsibility in specified areas that need to be handled at the national level. That

arrangement puts the three villages squarely at the heart of Tokelau's system of government and reaffirms the *pule*, or traditional authority, of the three Village Councils. This represents realization of the concept known as the Modern House of Tokelau.

8. Tokelau's public services are being restructured, following the adoption of a report of a commission of inquiry in early 2004. That exercise is aimed both at improving standards in key sectors and at ensuring that each Village Council has the capacity to run its own public services. The various strands of New Zealand's administrative assistance to Tokelau have been brought together in order to provide better-coordinated support for Tokelau's public services.

9. On the economic side, in 2003 Tokelau assumed full responsibility for managing its budget in its entirety. In August 2004, Tokelau and New Zealand signed an arrangement on economic support for the next three years. That arrangement includes substantial increases in the allocations for key services such as shipping, education and health. The allocation for the 2004/05 financial year has been set at $NZ9.5 million, and increases are programmed for the next two years.

10. The Tokelau International Trust Fund was established in November 2004. The Fund provides a mechanism by which regional and international bodies and other countries can assist Tokelau to overcome the challenges of distance, smallness and lack of resources, and to move towards full self-government and its future with confidence. Contributions from New Zealand and Tokelau already stand at some $NZ7.5 million. Earlier this year the Special Committee drew the attention of the international community to the Trust Fund.

11. Tokelau has continued to play a full role in regional affairs, participating actively in a number of regional groupings, activities and organizations. Tokelau is an associate member of the United Nations Educational, Scientific and Cultural Organization and the Forum Fisheries Agency. Its presence as part of the New Zealand delegation at the 2004 Pacific Islands Forum meeting was warmly received by the Pacific community.

12. New Zealand welcomes the contribution that is being made by the United Nations Development Programme (UNDP) in particular, and the United Nations family in general, to Tokelau's development. The UNDP office in Apia, as well as its head office, have shown considerable understanding of, and sensitivity towards, Tokelau's particular circumstances and needs. Tokelau looks forward to the day when other international bodies, and indeed other members of the international community, will follow this fine example. That is not just a worthy cause in itself; it is a condition of Tokelau's taking its place with confidence among the self-governing and independent nations of the Pacific.

## Saint Lucia

[Original: English]
[2 March 2005]

1. Owing to the importance of furthering the process of the attainment of full internal self-government and absolute political equality for the people of the remaining Non-Self-Governing Territories, Saint Lucia became a member of the

Special Committee of 24 in 1997 in order to contribute more directly to the self-determination process of the Non-Self-Governing Territories.

2. Accordingly, Saint Lucia participated in numerous activities in furtherance of the decolonization process during the first International Decade for the Eradication of Colonialism. Saint Lucia assumed the chairmanship of the Special Committee on Decolonization for the period 2001-2003.

3. Saint Lucia had been a consistently active participant in the general debates of the Third and Fourth Committees and in the plenary of the General Assembly on the relevant agenda items on decolonization and self-determination.

4. During the first International Decade for the Eradication of Colonialism, Saint Lucia hosted the Caribbean regional seminar to review the political, economic and social conditions in the small island Non-Self Governing Territories, in May 1999. The seminar brought together territorial government representatives, United Nations Member States, regional experts and non-governmental organizations to exchange views on the process of self-determination and to make recommendations on modalities for fostering full self-government for the remaining Territories.

5. Saint Lucia subsequently prepared and submitted to the Committee of 24 a policy paper published on 15 June 1999 entitled "Comments on the conceptual framework for the review of the constitutional and juridical status of the Non-Self-Governing Territories and on progress in the implementation of the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples".[a] The document approached the issue of self-determination from a small island developing country perspective, and emphasized the importance of maintaining the long-standing principles of complete and absolute equality as the guidelines for the international community in seeking innovative and flexible solutions to bring decolonization to a successful conclusion. The paper pointed out that the three legitimate political status options of independence, free association and integration with full political rights, as defined in the annex to General Assembly resolution 1541 (XV), have consistently been reaffirmed by the General Assembly in its resolutions as the applicable guidelines for self-determination of the Non-Self-Governing Territories, including the small island Territories, which have no less right to political equality than other Territories that were decolonized before them. The paper argued that, until the existent unequal dependency arrangements that remain inconsistent with full political equality are addressed, there will be a need for continual oversight by the United Nations.

6. The need for implementation of resolutions on decolonization was also alluded to in the "Comments on the conceptual framework" document, given the fact that the "success rate" in carrying out the prescriptions of the General Assembly during the first International Decade has not been acceptable, and that many of the solutions to achieve successful decolonization of the small island Territories lie in the implementation of the recommendations already adopted by the General Assembly. In that regard, Saint Lucia, in its statements, throughout the first and Second International Decades has consistently expressed concern for the non-implementation of General Assembly resolutions on decolonization by relevant Member States and the United Nations system itself.

7. Saint Lucia reiterates the critical importance of implementation of decolonization resolutions including the Plan of Action for the Second International

Decade for the Eradication of Colonialism. Of particular note are the annual requests in the resolutions entitled "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples", to the Special Committee to carry out actions approved by the General Assembly such as formulating specific proposals for the elimination of the remaining manifestations of colonialism and reporting thereon to the General Assembly. Reports containing such proposals, however, have been either non-existent or insufficient.

8. Also during the Decade, the General Assembly adopted resolutions specific to the political, economic and social development of the small Territories. Of particular note are repeated recommendations calling for programmes of political education in the Territories in order to foster an awareness among the people of the possibilities open to them in the exercise of their right to self-determination, in conformity with the legitimate political status options clearly defined in General Assembly resolution 1541 (XV). However, few political education programmes have emerged in the Territories, and recommendations on visiting missions, with a few notable exceptions, have gone largely unimplemented.

9. Because of the failure to carry out the prescriptions for a successful decolonization process contained in the Plan of Action for the Second International Decade, and in the relevant General Assembly resolutions, the United Nations machinery must concentrate its efforts on implementation of decolonization resolutions.

10. The year 2005 marks a significant benchmark in the decolonization process, with the convergence of the five-year review of the United Nations Millennium Declaration,[b] which reaffirms international commitment to decolonization, and the five-year review of the Second International Decade for the Eradication of Colonialism. It is our hope that the Secretary-General's report reviewing implementation of the Millennium Declaration, as well as his report on the implementation of decolonization resolutions over this five-year period, will provide new insights for the second half of the Second International Decade.

11. But, if insufficient implementation of those mandates over the past 15 years is any indication, new and innovative measures will have to be created and undertaken to facilitate the completion of the decolonization process, the unfinished business of the United Nations. It is the intention of Saint Lucia to work towards achieving those goals. To that end, Saint Lucia has assumed the chairmanship of the Special Committee on Decolonization in 2005.

## Spain

[Original: Spanish]
[6 December 2004]

1. The current negotiating process on Gibraltar between the Governments of Spain and the United Kingdom began with the Lisbon Declaration of 10 April 1980 and continued with the Brussels Declaration of 27 November 1984, which specified that the issues of sovereignty would be discussed (the plural form "issues" refers on the one hand to the Isthmus, and on the other to the territory ceded under the Treaty of Utrecht) and agreed that cooperation in various areas would be promoted, to the benefit of both parties. It was agreed that periodic meetings would be held between

the Ministers for Foreign Affairs of the two parties. The local Gibraltarian authorities took part in this process until Joe Bossano was appointed Chief Minister in 1988; Spain has always regretted their decision to marginalize themselves.

2. As stated above, the airport of Gibraltar is located on the Isthmus, a disputed territory. In 1987, to make possible an agreement on the sharing of passenger control between a Spanish terminal and a British one, a bilateral consultation mechanism was set up for the awarding of traffic rights to third parties. The Gibraltarians, who took part in the negotiation of the agreement, subsequently opposed its implementation. To resolve a situation which was expected to be temporary, Spain and the United Kingdom agreed to include two clauses in certain European Community rules on air transport. Those clauses safeguard the two parties' respective legal positions on the dispute concerning the Isthmus and suspend the application to Gibraltar of the aforementioned rules until the agreement on the airport is implemented.

3. Spain has reiterated the need for progress in the negotiations, both on sovereignty issues and those of cooperation, pursuant to United Nations decisions and resolutions. From the date of the Brussels Declaration to 1997 inclusive, meetings of the Ministers for Foreign Affairs were held yearly. At the request of the United Kingdom, which pleaded a heavy workload because of its Presidency of the European Union, no ministerial meeting took place in 1998; nor were the meetings held in 1999 or 2000.

4. All Spanish political forces, regardless of their ideological differences or political rivalries, share the objective of Spain's claim to Gibraltar. For example, paragraph 7 of the draft law adopted on 24 February 1998 by the Foreign Affairs Committee of the Congress of Deputies reads as follows:

> "The Congress of Deputies urges the Government to reiterate its proposals to the United Kingdom concerning a period during which sovereignty could be exercised jointly by the two countries before Gibraltar is finally returned to Spain."

5. Lastly, the draft law of the Congress of Deputies, dated 3 April 2001, which firmly reiterates to the United Kingdom the need to bring an end as soon as possible to the colonial situation affecting Gibraltar, including the illegal and completely unjustified occupation by the United Kingdom of the Isthmus connecting the Rock with the rest of Spanish territory, through bilateral negotiations between Spain and the United Kingdom, pursuant to the annual decisions of the General Assembly and the decolonization doctrine of the United Kingdom.

6. On 26 July 2001, a ministerial meeting between Spain and the United Kingdom was held in London, in the framework of the Brussels Process. That meeting led to the re-launching of the Brussels Process, which had been paralysed since 1997.

7. At the end of that ministerial meeting in London, a brief press statement was published. It stated that, in the spirit of the good relations existing between the United Kingdom and Spain, both Ministers had underlined their intention and political will to overcome all their differences over Gibraltar, and to make every effort to bring their talks to a successful and speedy conclusion to the benefit of all parties involved. It was also stated that both sides had discussed their approach to the practical issues of cooperation and sovereignty.

8. Both Ministers for Foreign Affairs confirmed that Gibraltarian engagement would be an important element in carrying forward the Brussels Process, and that they would welcome the attendance of the Chief Minister of Gibraltar at future ministerial meetings. That Gibraltarian involvement has not yet taken place.

9. Following the ministerial meeting in London, many meetings were held between Spain and the United Kingdom at various levels, including those of Minister for Foreign Affairs, junior minister for European affairs, and Coordinator.

10. The Barcelona ministerial meeting held on 20 November 2001 marked a significant step forward in the negotiation of a global agreement on Gibraltar. At Barcelona, the two Ministers for Foreign Affairs confirmed their shared goal of continuing discussions on Gibraltar in an atmosphere of mutual trust and cooperation. They also stated that they were highly satisfied with the progress being made.

11. In the joint press statement published following the Barcelona ministerial meeting, the Ministers for Foreign Affairs of Spain and the United Kingdom announced that they were determined to conclude a global agreement in the near future. That agreement would deal with all important issues including those of cooperation and sovereignty.

12. They added that the two countries' shared objective was to achieve a future in which Gibraltar would enjoy greater self-government and could fully enjoy the benefits of normal coexistence with the surrounding region. The guiding principle was to build a secure, stable and prosperous future for Gibraltar, providing it with a modern and sustainable status in accordance with the two countries' membership in the North Atlantic Treaty Organization (NATO) and the European Union.

13. It was also stated that the Ministers had agreed on the need for rapid progress on key cooperation issues. They therefore requested officials in both countries to produce ideas in that regard and to report at the next ministerial meeting.

14. The joint press statement also said that the Government of Gibraltar had a significant part to play in the discussions. It was stated that the voice of Gibraltar should be heard and that the invitation to the Chief Minister of Gibraltar to take part in future ministerial meetings under the Brussels Process had been reiterated. In the joint press statement, both Ministers guaranteed that the voice of the Chief Minister would be fully respected and that he would be able to contribute fully to the discussions.

15. The last ministerial meeting held to date under the Brussels Process took place in London on 4 February 2002. At that meeting, both Ministers noted that good progress had continued in the talks on Gibraltar, in the atmosphere of friendship and understanding between Spain and the United Kingdom. They also reaffirmed the broad series of undertakings entered into at earlier ministerial meetings in London and Barcelona.

16. In the joint press statement issued at the London ministerial meeting, the Ministers for Foreign Affairs of Spain and the United Kingdom confirmed that the common goal remained the conclusion of a global agreement covering all outstanding issues, including cooperation and sovereignty. They also stated that their shared objective was to overcome all differences on Gibraltar and guarantee a secure future for that territory, in which Gibraltar could retain its lifestyle and

traditions, enjoy greater internal self-government, achieve a sustainable improvement in its prosperity and enjoy all the benefits of harmonious and mutually beneficial cooperation in all areas adjoining the Campo de Gibraltar.

17. At the meeting in London, the Ministers reiterated the invitation to the Chief Minister of Gibraltar to take part in future ministerial meetings under the Brussels Process so that he, and through him the people of Gibraltar, could join the dialogue and make contributions for the benefit of the territory. They added that the Chief Minister was warmly invited to take part, on the basis of the "two flags, three voices" formula, with his own distinct voice as part of the United Kingdom delegation.

18. The Presidency Conclusions of the European Council (Barcelona, 15-16 March 2002) included paragraph 56 on Gibraltar:

> "The European Council welcomes the decision of the UK and Spain to relaunch the Brussels Process on Gibraltar, established in November 1984; underlines the EU's support for both Governments' commitment [...] to conclude a comprehensive agreement before the summer; and invites the Commission to explore possible ways in which the EU could underpin any agreement reached."

19. The European Parliament, in its resolution of 20 March 2002, endorsed that paragraph on Gibraltar contained in the Presidency Conclusions of the European Council.

20. Following the ministerial meeting held in London on 4 February 2002, other working meetings were held between the Minister for Foreign Affairs of Spain, Mr. Josep Piqué, and the Secretary of State for Foreign and Commonwealth Affairs, Mr. Jack Straw. Those meetings were as follows:

(a) Working meeting in Valencia, 23 April 2002.

(b) Working lunch in London, 15 May 2002, after which the following joint press statement was published:

> "We met today to continue our discussions on Gibraltar in a friendly and constructive atmosphere. We have made good progress since July 2001 and remain committed to reaching agreement by the summer. At the same time we both acknowledge that there are real difficulties which remain to be resolved. We have agreed to convene a further formal Brussels Process meeting in late June or early July."

(c) Working dinner in London, 26 June 2002. The joint press statement published after that meeting read as follows:

> "We have held an informal meeting this evening to continue our discussions on Gibraltar. It was, once again, a friendly and constructive exchange of views. We have made good progress since talks were restarted last year. The two Governments have reached a considerable degree of consensus. Both sides underlined their belief that it is sensible and right and in the interests of Britain, Spain and the people of Gibraltar to make this effort to resolve the dispute. We agreed to hold a formal meeting under the Brussels Process, on Friday July 12, in Madrid."

21. The fifteenth Brussels Process ministerial meeting between the Governments of Spain and the United Kingdom had been scheduled for 12 July 2002 in London, but the Spanish Government reshuffle caused the cancellation of that meeting. However, on that same date the Secretary of State for Foreign and Commonwealth Affairs spoke on the subject of Gibraltar in the House of Commons, saying that Spain and the United Kingdom should share sovereignty over Gibraltar.

22. From the summer of 2002 to the formation of the new Spanish Government in the spring of 2004, no ministerial meeting under the Brussels Process was held. The Gibraltar question was not again discussed in depth at the ministerial level until the meeting between the Minister for Foreign Affairs and Cooperation, Mr. Miguel Ángel Moratinos and Secretary of State for Foreign and Commonwealth Affairs, Mr. Jack Straw, held in Madrid on 27 October 2004. After that meeting, the following joint press statement on Gibraltar was published:

> "The Ministers for Foreign Affairs of Spain and the United Kingdom, Miguel Ángel Moratinos and Jack Straw, met in Madrid on 27 October 2004. During their meeting they discussed Gibraltar.
>
> The Ministers have agreed to consider and consult further on how to establish a new forum for dialogue on Gibraltar, with an open agenda, in which Gibraltar would have its own voice. The modalities for this dialogue will be agreed by all the concerned parties.
>
> Minister Straw welcomes the decision of the Spanish Government to promote local cooperation between Gibraltar and its surrounding area. Both Ministers are glad about the establishment of a Joint Committee Gibraltar Government-Mancomunidad del Campo de Gibraltar to promote the identification and implementation of mutually beneficial local cooperation projects and wish to set out their support for this initiative because of its intrinsic value and the confidence-building atmosphere that it could create.
>
> It is understood that for the Spanish government this local cooperation is within the objectives of the Spanish government in relation to the sovereignty of Gibraltar. It is also understood that the British government fully maintains its commitment to honour the wishes of the people of Gibraltar as set out in the preamble of the 1969 Constitution.
>
> In the appendix are set out several cooperation measures to facilitate the start of the work of the previously mentioned forum.
>
> **Appendix**
>
> - To explore the possibilities to reach an agreement on the airport of Gibraltar under a formula acceptable to all parties.
> - To allow the inclusion of Spanish airports as alternative airports in the flight plans whose final destination is the airport of Gibraltar.
> - To establish a technical working party to examine and to exchange information on the pensions issue of Spanish ex-workers in Gibraltar, without prejudice to any outcome in respect thereof.

- The Spanish Government shall allow calls at Spanish ports of all pleasure cruise liners having the port of Gibraltar as a previous or subsequent port of call, without any restriction."

Lastly, the document establishing the Joint Committee for Cooperation and Collaboration between Gibraltar and the Mancomunidad de Municipios de la Comarca del Campo de Gibraltar was signed on 18 November 2004 in the city of Los Barios.

## Syria

[Original: English]
[10 December 2004]

1. The Syrian Arab Republic would like to reconfirm its support for the noble ideals of the United Nations as stipulated in the principles and purposes of the Charter. Syria fully endorses the concept that one of the main achievements of the United Nations so far has been its successes in the field of decolonization. Furthermore, it is our conviction that the United Nations has a valid ongoing role in the process of decolonization. Decolonization means freedom, and freedom is a basic human right. The right to self-determination is also a fundamental human right.

2. It is most regrettable that the first International Decade for the Eradication of Colonialism did not achieve the expected results. All efforts of the international community must be pooled together to make the Second Decade a full success.

3. The Plan of Action for the Second International Decade for the Eradication of Colonialism explains in detail what kind of measures should be taken at different levels. It confirms that the ultimate goal of the Second Decade should be the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples through the exercise of the right to self-determination and independence by the populations of the remaining Non-Self-Governing Territories, in accordance with all relevant resolutions and decisions of the General Assembly and the principles contained in the Declaration.

4. Syria supports that goal and calls on all the administering countries to cooperate with the Special Committee in its endeavours to implement United Nations resolutions in that regard.

5. Furthermore, the international community and the United Nations system as a whole, and other governmental and non-governmental organizations, should unite their efforts to assist effectively the peoples of the Non-Self-Governing Territories in the process towards self-determination and should actively participate in the implementation of the Plan of Action for the Second Decade. That may include the holding of consultations, as well as the continuation of negotiations that are under way. The regional seminars organized by the Special Committee provide invaluable opportunities to discuss specific issues pertaining to the Non-Self-Governing Territories and allow for informal exchanges between members of the Special Committee and representatives of the Non-Self-Governing Territories and representatives of the administering Powers on how to move the decolonization process forward. As such, the seminars should be maintained and further supported. Syria believes that the cooperation between the people of the Tokelau Islands and

the Government of New Zealand could well be emulated in many, if not all, of the remaining Territories. It is our hope that in the very near future we can remove Tokelau, and other Territories, from the list of Non-Self-Governing Territories as a result of efforts of all parties concerned.

6. We share the view that in the development of work programmes for individual Territories, the participation of representatives of the Non-Self-Governing Territories, in which there is no dispute over sovereignty, should be ensured. Moreover, we believe that any work programme should include information and education campaigns for the peoples of those Territories, as well as visiting missions of the Special Committee to ascertain the situation in those Territories first-hand. It is also necessary that the Special Committee develop a mechanism to systematically review, on an annual basis, the implementation of the specific recommendations on decolonization with a focus on implementing the mandate as contained in General Assembly resolutions and the Plan of Action for the Second International Decade for the Eradication of Colonialism.

7. Syria agrees that, during the remainder of the Second Decade, the Special Committee, the administering Powers and the Non-Self-Governing Territories should engage in constructive discussions to expedite the implementation of the goals of the Decade as contained in General Assembly resolution 55/146 of 8 December 2000.

8. Finally, Syria would like to reconfirm its commitment to all United Nations positions on decolonization. In fact, the United Nations of today reflects the Organization's success in the decolonization process. General Assembly resolution 1514 (XV) of 14 December 1960, which contains the Declaration on the Granting of Independence to Colonial Countries and Peoples, continues to be valid regarding the remaining Non-Self-Governing Territories, as it has been for the last 45 years.

*Notes*

[a] A/AC.109/1999/21.

[b] See General Assembly resolution 55/2.